

REMARKS:

Claims 1-6, 8-10 and 24-31 are pending.

For the convenience of the Examiner, attached at the end of this document is a clean "Claims Appendix" of the current wording of all pending claims.

Independent claims 1, 8, 25 and 26 were rejected as being directed to nonstatutory subject matter and for lack of clarity, as set forth on pages 2 and 3 of the Office Action.

The claims were amended as suggested in the Office Action to overcome the objections.

In view thereof, retraction of the Section 101 and Section 112 rejections is requested.

Attached hereto is a Letter to the Official Draftperson requesting that drawing Figs. 1B-1F be labeled "Prior Art".

Applicant has noted the comment on page 2 of the Office Action that the proposed drawing changes filed April 30, 2002 were not approved because they were not in the form of a pen and ink sketch showing changes in red ink. Applicant does not understand the rejection because the drawing changes requested in the earlier proposed drawing change carried red markings on a copy of the drawings showing the proposed changes.

Be that as it may, the same changes are requested herewith again.


With respect to the substantive rejection of the claims, applicant has filed a Notice of Appeal and will further address the rejections in his appeal brief.

An early notification that the proposed formal amendments to the claims and the requested drawing changes have been accepted and the corresponding rejections and objections have been overcome is requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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MARKED-UP VERSION OF THE CHANGES TO THE CLAIMS

1. (twice amended) A method for treating a joint formed by opposing bones having first and second mating joint surfaces so that relative slidable joint motion between the bones is permanently maintained comprising the following steps:

removing at least a portion of the first joint surface to expose a cancellous bone surface;

selecting a bioresorbable implant having a face adapted to face the cancellous bone surface;

placing the bioresorbable implant between and in contact with the second joint surface and the cancellous bone surface so that the face is opposite the cancellous bone surface and the implant initially keeps said exposed cancellous bone surface spaced apart from the second joint surface while permitting relative slidable motion between the face and the cancellous bone surface;

using the joint while [resorbing] allowing resorption of the implant and causing slidable motions between the face and the cancellous bone surface; and

[forming] allowing formation of fibroblast at the cancellous bone surface while using the joint so that the fibroblast progresses into fibrocartilage as the implant is resorbed, the fibrocartilage replaces the implant during such resorption, and thereafter relative slidable motion between the bones along the fibrocartilage occurs when using the joint.

8. (twice amended) A method for treating a substantially non-weight bearing arthritic joint having first and second mating joint surfaces so that relative slidable joint motion between the bones is permanently maintained comprising the following steps:

removing at least a portion of the first and second joint surfaces to expose first and second cancellous bone surfaces;

selecting a bioresorbable implant having first and second implant faces corresponding to the first and second cancellous bone surfaces;

placing the first and second implant faces of the bioresorbable implant between and against the first and second exposed cancellous bone surfaces so as to permit relative slidable motion between the first and second faces and the first and second cancellous surfaces;

using the joint and causing slidable motions between the face and the first cancellous surfaces; and

while using the joint, allowing formation of [forming] fibrocartilage at each said cancellous bone surface as the implant is resorbed to thereby replace the implant during such resorption and enable slidable motion between the bones along the formed fibrocartilage.

25. (four times amended) A method for treating a joint having first and second mating joint surfaces so that slidable joint motion between the bones is permanently maintained comprising the following steps:

removing at least a portion of the first joint surface to generate an exposed cancellous bone surface;

placing a bioresorbable implant between and in contact with the exposed cancellous bone surface and the second joint surface so the implant initially keeps said exposed cancellous bone surface spaced apart from the second joint surface;

providing the implant with a face which is opposite the exposed cancellous bone surface;

permitting relative slidable motion between the face and the exposed cancellous bone surface;

using the joint while [resorbing] allowing resorption of the implant and slidably moving the face relative to the exposed cancellous bone surface;

[forming] allowing formation of fibroblast which progresses into fibrocartilage while using the joint as the implant is resorbed and continuing to slidably move the face relative to the exposed cancellous bone surface;

following the resorption of the implant continuing to slidably move the second surface along the formed fibrocartilage;

estimating the period of time it will take for the fibroblast to progress into fibrocartilage; and

selecting the bioresorbable implant of a size, shape and material according to said period of time.

26. (four times amended) A method for treating a joint having first and second mating joint surfaces carried by cancellous bone so that slidable joint motion between the bones is permanently maintained comprising the following steps:

removing at least a portion of the first joint surface to expose a cancellous bone surface;

forming a cavity into the medullary canal of the cancellous bone carrying the second joint surface;

selecting a bioresorbable implant configured to fit between the cancellous bone surface and the second joint surface, the implant having a face, a backside and a stem portion extending from the backside and configured to fit within said cavity;

inserting the stem portion into the cavity and placing the bioresorbable implant between the cancellous bone surface and the second joint surface so the implant initially keeps said surfaces spaced apart and the face is slidably movable relative to the cancellous bone surface;

using the joint while [resorbing] allowing resorption of the implant, including slidably moving the face relative to the cancellous bone surface; and

[forming] allowing formation of fibroblast which progresses into fibrocartilage while using the joint as the implant is resorbed to replace the implant and maintain relative slidable motion between the bones along the fibrocartilage.